

Appl. No. 10/021,306
Amdt. dated August 24, 2005
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2161

PATENT

Amendment(s) to the Drawings:

The attached sheets of drawings are replacement formal drawings to be made of record in this application.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Claims 18-50 were pending, with claims 1-17 having been previously cancelled. In this response, no claims were canceled and claims 18, 35 and 38 are amended. Therefore, following this amendment, claims 18-50 will be pending. Of the pending claims, claims 18, 35 and 38 are independent.

In the Office Action, the Examiner rejected claims 18-50 under 35 USC §102(e) as being anticipated by U.S. Pat. Pub. No. 2001/0044810 filed for Timmons (hereinafter "Timmons"). Applicant notes that the rejections of the prior office action were withdrawn.

The Office Action was made final. The stated reason for making the Office Action final was Applicant's submission of the requirements for the joint research prior art exclusion under 35 USC §103(c) per MPEP §706.02(l)(3) on January 31, 2005. Upon review of the file history of this case, however, it does not appear that Applicant submitted any papers related to this prior art exclusion, nor that the previously cited references would be references that could be excluded under a joint research exclusion. It is further noted that the rejections of at least claims 18-26 and 28-37 using Timmons could have been done in the previous Office Action as claims 18 and 35 were only amended slightly in the prior amendment to clarify the claim language. Accordingly, Applicant respectfully requests that the finality of the Office Action be withdrawn as it was done without justification.

Claims 18, 35 and 38 are herein amended to further clarify the scope of the inventions. No new matter is added by these amendments as they are fully supported by the originally-filed specification. For example, paragraphs 27-30 describe selecting elements and Fig. 2 illustrates stable and unstable elements of a document.

Cited References

Timmons is directed to a system for collecting and presenting information from web pages. As part of that process, the system identifies features of web pages using feature extraction and generates tags specific to the identified features for later location of the tagged features. The tags are structured such that attributes of the feature are identified as being more significant attributes and less significant attributes. A fuzzy search might be performed where an

exact match is not found, by looking for non-identical features with tags differing only in less significant attributes (see, for example, paragraphs 85-95 of Timmons). Other aspects of the system less relevant here are also shown in Timmons.

Cited Reference Distinguished

Claims 18, 35 and 38 are the remaining independent claims. Each of those claims, and therefore also the claims dependent therefrom are allowable over the cited references as those references, alone or in combination, fail to disclose or suggest each element of any of these claims.

For example, claim 18 recites “building a first sequence of stable elements from a first document” and “building a second sequence of stable elements from the second document”, wherein each sequence is a list of elements from a predetermined set of stable elements and that predetermined set of stable elements is “selected from among a set of elements including stable elements and unstable elements”. Among other claim limitations, Timmons fails to disclose or suggest the above-cited claim limitations.

With Timmons, feature tags are built up from attributes of elements to identify those elements in different contexts (e.g., in changed web pages). Timmons does describe filtering and distinguishing between desired content and undesired content during post-processing, but this is not related to the claimed selection of stable elements nor the building of sequences of stable elements over documents and using those sequences for comparing.

In the Office Action, the Examiner cited to paragraph 80 of Timmons as teaching the claimed building a first sequence of stable elements from the first document and paragraph 84 as teaching the claimed building a second sequence of stable elements from the second document. Paragraph 80 of Timmons describes a feature extraction process that is consistent with other teachings of Timmons, namely that containers (and nested containers therein) are separated out into elements so that they can be extracted for the user. Paragraph 84 describes how an element identified within a page with a target tag can be located within a subsequent version of the page to extract the identified element. Thus, the tags identify elements and the elements are the focus. If an element cannot be found, a “nearest” element is located, where

“nearest” is determined by the differences between two tags for elements, where the tag differences relate to differences in attributes between the elements being compared.

By contrast, the claimed sequences of elements are not related to attributes of a single element, but are related to sequences representing a plurality of elements in a document. Furthermore, Timmons does not disclose or suggest selecting a set of stable elements from among a set of elements including stable elements and unstable elements.

Additionally, Applicant notes that the Examiner cited to steps 406/408 of Timmons’ Fig. 4 as teaching the claimed determining the desired element from the one or more comparison results. Applicant submits that it should be apparent from Timmons’ Fig. 4 and its accompanying text that the comparison is between tags of target objects and not sequences of elements as claimed. In fact, paragraph 98 of Timmons describes how each object is parsed one at a time, looking for a matching (or nearly matching) tag.

Therefore, claim 18 and claims 19-34 dependent therefrom are allowable over the cited reference and the rejection should be withdrawn.

As for claim 35, that claim recites “determining a set of stable elements, from among a set of elements including stable elements and unstable elements, based on the selected desired element” and building sequences of stable elements from the documents, wherein the sequences represent ordered lists of elements from the set of stable elements. As mentioned above, Timmons does not disclose or suggest the claimed sequences of elements or determining stable elements.

Therefore, claims 35 and claims 36-37 dependent therefrom are allowable over the cited reference and the rejection should be withdrawn.

Claim 38 has been amended to recite that “the second sequence of elements are each members of a predetermined set of stable elements selected from among a set of elements including stable elements and unstable elements” and at least that amendment clarifies that each element of claim 38 is not disclosed or suggested by Timmons. For at least that reason, claim 38 and claims 39-50 dependent therefrom are allowable over the cited reference and the rejection should be withdrawn.

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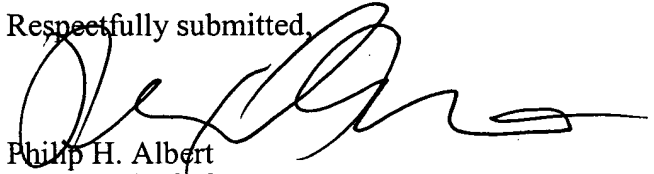
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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Dated: 29 AUG 05

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